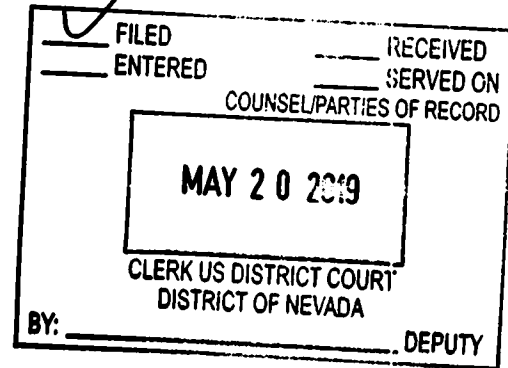


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10 *Union Pacific Railroad Company*



11  
12 IN THE UNITED STATES DISTRICT COURT  
13  
14 FOR THE DISTRICT OF NEVADA

15 UNION PACIFIC RAILROAD COMPANY, a  
16 Delaware corporation,

17 Plaintiff,

18 v.

19 WINECUP GAMBLE, INC., a Nevada  
20 corporation,

21 Defendants.

Case No. 3:17-cv-00477-LRH-CBC

22 **STIPULATION AND ORDER FOR**  
23 **EXTENSION OF JOINT PRETRIAL**  
24 **ORDER DEADLINE**  
25 **(FIRST REQUEST)**

26 This is the first stipulation for an extension of the joint pretrial order deadline. This  
27 stipulation for an extension is made prior to the submission deadline, which is currently set for  
28 Monday, June 10, 2019. *See* ECF No. 94. Four previous extensions of discovery deadlines which  
impacted the joint pretrial order deadline were requested and granted, but this is the first request  
specific to the joint pretrial order deadline. This extension is requested because following the  
completion of discovery the parties have agreed to mediate the case on July 10, 2019. The parties  
seek to avoid the substantial expense of preparing the required joint pretrial order if the case may  
be settled by way of mediation.

1 The parties to this litigation, pursuant to LR IA 6-1 and LR 26-4, hereby agree and  
2 stipulate to the following:

3 1. The parties have completed written discovery and exchanged FRCP 26(a)(1)  
4 disclosures.

5 2. The parties conducted twenty-one depositions in the course of discovery: (1) two  
6 representatives of the Nevada Department of Water Resources; (2) Winecup Gamble's 30(b)(6)  
7 designee James Rogers; (3) Winecup's retained expert Derek Godwin; (4) Winecup's retained  
8 expert Matthew Lindon; (5) Union Pacific's 30(b)(6) designee Mohan K. Chiurmamilla; (6)  
9 Union Pacific's 30(b)(6) designee Stephen J. Dolezal; (7) Union Pacific's 30(b)(6) designee  
10 Patrick G. Prosoki; (8) Union Pacific's 30(b)(6) designee Tomaz Gawronski (who was also  
11 deposed in his non-retained expert capacity); (9) Union Pacific's 30(b)(6) designee Talmage D.  
12 Dalebout; (10) Union Pacific's retained expert Daryoush Razavian; (11) Union Pacific's retained  
13 expert Steve Nickel; (12) Union Pacific's retained expert John Lavin; (13) Union Pacific  
14 employee James M. Hill; and (14) Union Pacific employee Tyson Payne; (15) former Division of  
15 Water Resources employee Luke Opperman; (16) Winecup's consultant Darrel Scow; (17)  
16 Winecup's non-retained expert Steve Jackson; (18) Union Pacific employee Jeffrey Poppe; (19)  
17 Union Pacific employee Mike Stanton.

18 3. The dispositive motion deadline was May 10, 2019; no dispositive motions were  
19 filed.

20 4. The parties recognize that preparation for trial in this case will involve a  
21 substantial expenditure of resources and believe mediation in an effort to settle this case prior to  
22 trial would be beneficial. As a result, the parties contacted the Honorable Jerry Carr Whitehead  
23 in Reno, Nevada, and he indicated he had availability for a mediation. After coordinating  
24 schedules among multiple representatives for each party and with the mediator, the mediation is  
25 now set for July 10, 2019, with mediation statements due July 3, 2019.

26 5. Because the preparation of a joint pretrial order will require substantial work due  
27 to the technical expert reports, the thousands of documents, photos, and videos at issue, over three  
28

1 hundred deposition exhibits, and multitude of witnesses in various cities, the parties request to  
2 postpone the joint pretrial order deadline to after the mediation.

3 6. The parties are requesting the joint pretrial order deadline under LR 26-1(b)(5) be  
4 moved to September 10, 2019, to allow adequate time for preparation of the order if the  
5 mediation is unsuccessful. A trial date has not been set yet, and the parties had previously  
6 provided available dates in October 2019 in their Second Joint Interim Status Report (ECF No.  
7 92).

8 7. This stipulation is made in good faith, with the objective of sensible conservation  
9 of litigation expenses and judicial resources, in favor of substantive negotiations toward a  
10 resolution of this matter short of trial, if possible.

11 DATED this 16<sup>th</sup> day of May, 2019.

12 Respectfully submitted,

13 PARSONS BEHLE & LATIMER

14 /s/ Michael R. Kealy

15 Michael R. Kealy, Bar No. 971  
16 Ashley C. Nikkel, Bar No. 12838

17 *Attorneys for Plaintiff*  
18 *Union Pacific Railroad Company*

Respectfully submitted,

SNELL & WILMER, L.L.

14 /s/ Michael R. Menssen

15 *With permission of counsel*  
16 William E. Peterson, Bar No. 1525  
Ryan Stodtmeister, Bar No. 14281

- and -

David J. Jordan, (Admitted Pro Hac Vice)  
Michael R. Menssen, (Admitted Pro Hac Vice)  
Stoel Rives, LLP

*Attorneys for Defendants*  
*Winecup Gamble, Inc.*

22 IT IS SO ORDERED.

23 DATED: 5/20/2019

24   
25 UNITED STATES MAGISTRATE JUDGE  
26  
27  
28